

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

J.C. PENNEY CORPORATION,

No. 13-6003 MMC

Plaintiff,

v.

**ORDER DENYING DEFENDANTS'  
MARCH 17, 2014 ADMINISTRATIVE  
MOTION TO FILE DOCUMENTS UNDER  
SEAL; DIRECTIONS TO DEFENDANTS**

EOLAS TECHNOLOGIES  
INCORPORATED; THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA,

Defendants.

Before the Court is defendants Eolas Technologies Incorporated ("Eolas") and the Regents of the University of California's ("Regents") Administrative Motion to File Documents Under Seal, filed March 17, 2014. By said motion, defendants seek leave to file under seal certain documents filed under seal in a prior action, Eolas Techs., Inc. et al. v. Adobe Sys. Inc, et al., C 09-0446 (E.D. Texas) ("the Texas action"), and which, according to Eolas and the Regents, contain material designated as confidential by the defendants in that action, one of which was J.C. Penney Corporation ("J.C. Penney"), the plaintiff in the instant action. Having read and considered the administrative request, the Court rules as follows.

Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by "an opposing party or a non-party," see Civil L.R. 79-

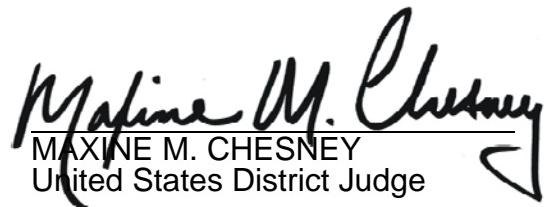
1 5(e), the submitting party must file a motion for a sealing order, see Civil L.R. 79-5(d),  
2 serve the declaration in support of such motion on such “Designating Party” the same day,  
3 see Civil L.R. 79-5(e), and file proof of such service, see id. Thereafter, “[w]ithin 4 days of  
4 the filing of the Administrative Motion to File Under Seal, the Designating Party must file a  
5 declaration . . . establishing that all of the designated information is sealable.” Id. at 79-  
6 5(e)(1). “If the Designating Party does not file a responsive declaration as required by  
7 subsection 79-5(e)(1) and the Administrative Motion to File Under Seal is denied, the  
8 Submitting Party may file the document in the public record no earlier than 4 days, and no  
9 later than 10 days, after the motion is denied.” Id. at 79-5(e)(2).

10 At the direction of the Court, Eolas and the Regents, on April 3, 2014, served all  
11 relevant documents on the defendants in the Texas action. To date, no designating party  
12 has filed a responsive declaration.

13 Accordingly, Eolas and the Regents’s motion to file under seal is hereby DENIED,  
14 and Eolas is hereby DIRECTED to file in the public record, no earlier than April 14, and no  
15 later than April 20, 2014, Exhibits 4 and 9 to Eolas and the Regents’s Reply in Opposition  
16 to J.C. Penney Corporation’s Opposition to Defendants’ Motion to Dismiss.

17 **IT IS SO ORDERED.**

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19 Dated: April 10, 2014  
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MAXINE M. CHESNEY  
United States District Judge

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